99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-812

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GOVERNMENT
DEPOSITORY 375

PROVIDING FOR THE CONSIDERATION OF H.R. 4154

SEPTEMBER 10, 1986.—Referred to the House Calendar and ordered to be printed

Mr. PEPPER of Florida, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 544]

The Committee on Rules, having had under consideration House Resolution 544, by nonrecord vote, report the same to the House with the recommendation that the resolution do pass.

The following are the texts of the amendments made in order under House Resolution 544, each of which is to be debatable for not to exceed 1 hour, to be equally divided between the proponent and an opponent.

AMENDMENT TO H.R. 4154, AS REPORTED, OFFERED BY MR. MURPHY OF PENNSYLVANIA

Page 4, strike line 4 and insert the following:

SEC. 2. AMENDMENTS RELATING TO MAXIMUM AGE.

Page 4, after line 22, insert the following:

SEC. 3. EMPLOYMENT AS FIREFIGHTER OR LAW ENFORCEMENT OFFICER.

Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by adding at the end thereof the following new subsection:

"(i) It shall not be unlawful for an employer which is a State, a political subdivision of a State, an agency or instrumentality of a State or a political subdivision of a State, or an interstate agency to fail or refuse to hire or to discharge any individual because of such individual's age if such action is taken with respect to the employment of an individual as a firefighter or as a law enforcement officer.".

SEC. 4. DEFINITIONS.

Section 11 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630) is amended by adding at the end thereof the following new subsections:

"(i) The term 'firefighter' means an employee the duties

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of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

"(k) The term 'law enforcement officer' means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this subsection, 'detention' includes the duties of—

"(1) employees of any penal institution; and

"(2) employees of any public health agency assigned to the field service of any penal institution;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of a State require frequent (as determined by the appropriate administrative authority) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation.".

Page 5, line 1, strike "SEC. 3." and insert "SEC. 5.".

Page 6, strike lines 7 and 8, and insert the following:

SEC. 6. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by

Page 6, after line 23, add the following:

(b) EFFECT ON EXISTING CAUSES OF ACTION.—The amendments made by sections 3 and 4 of this Act shall not apply with respect to any cause of action arising under the Age Discrimination in Employment Act of 1967 as in effect before January 1, 1987.

AMENDMENT TO H.R. 4154, AS REPORTED, OFFERED BY MR. COLEMAN OF MISSOURI

Page 4, line 20, strike "and".

Page 4, line 22, strike the period and insert "; and".

Page 4, after line 22, insert the following:

(3) by adding at the end thereof the following new subsection:

"(d) This Act does not prohibit the compulsory retirement of any employee who attains, before July 1, 2000, seventy years of age and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).".

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